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14 UNITED STATES OF AMERICA

15 UNITED STATES DISTRICT COURT

16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 MICHAEL JOHN AVENATTI,

21 Defendant.

SA CR No. 19-061-JVS

GOVERNMENT'S UNOPPOSED EX PARTE
APPLICATION FOR ORDER SEALING
DOCUMENT; DECLARATION OF JULIAN L.
ANDRÉ

22
23 Plaintiff United States of America, by and through its counsel
24 of record, the United States Attorney for the Central District of
25 California and Assistant United States Attorneys Julian L. André and
26 Brett A. Sagel, hereby applies ex parte for an order that Exhibits 17
27 and 18 to the Government's Opposition to Defendant's Motion to Compel
28 Discovery be filed under seal.

1 This ex parte application is based upon the attached declaration
2 of Julian L. André.

3 Dated: August 12, 2019

Respectfully submitted,

4 NICOLA T. HANNA
5 United States Attorney

6 BRANDON D. FOX
7 Assistant United States Attorney
8 Chief, Criminal Division

9 /s/
10 JULIAN L. ANDRÉ
11 BRETT A. SAGEL
12 Assistant United States Attorneys

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA
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DECLARATION OF JULIAN L. ANDRÉ

I, Julian L. André, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California (the "USAO"). I am one of the prosecutors assigned to United States v. Michael John Avenatti, SA CR No. 19-061-JVS.

2. The government requests leave to file under seal Exhibits 17 and 18 to the Government's Opposition to Defendant's Motion to Compel Discovery.

3. On July 28, 2019, defendant MICHAEL JOHN AVENATTI ("defendant") filed a Motion to Compel Discovery. (CR 50.) Specifically, defendant has moved to compel the USAO to produce to defendant complete forensic copies of the computer servers belonging to his former law firm, Eagan Avenatti LLP ("EA LLP"), and digital devices seized during the execution of a search warrant at the residence of a former EA LLP employee ("EA Employee 1"). (CR 50.)

4. In support of the Government's Opposition to Defendant's Motion to Compel, the USAO is submitting as Exhibit 17 the warrant to search the residence of EA Employee 1 issued in case number 8:19-MJ-243. The search warrant issued in case number 8:19-MJ-243 was filed under seal and the entire case, including the search warrant application and supporting affidavit, remains under seal at this time. Additionally, Exhibit 17 contains personal identifying information relating to EA Employee 1, including EA Employee 1's home address, as well as identifying information relating to other potential witnesses and another law firm with which defendant had a business relationship ("Law Firm 1").

1 5. In support of the Government's Opposition to Defendant's
2 Motion to Compel, the USAO is also submitting as Exhibit 18 the
3 warrant to search the computer servers belonging to EA LLP issued in
4 case number 8:19-MJ-419. The search warrant issued in case number
5 8:19-MJ-419 was filed under seal, and the entire case, including the
6 search warrant application and supporting affidavit, remains under
7 seal at this time. Additionally, Exhibit 18 contains identifying
8 information relating to Law Firm 1 and other non-public information
9 regarding the USAO's investigation.

10 6. Because the search warrant attached as Exhibit 17 and 18 to
11 are sealed court documents and contain personal identifying of
12 various third-parties, the USAO does not believe it would be
13 appropriate for the USAO to publicly file Exhibits 17 and 18 at this
14 time. Accordingly, the USAO requests that the Court order that
15 Exhibits 17 and 18 to the Government's Opposition to Defendant's
16 Motion to Compel Discovery be filed under seal and remain under seal
17 until such time that the search warrants and corresponding search
18 warrant cases are unsealed.

19 7. On August 12, 2019, counsel for defendant, H. Dean Steward,
20 informed me via email that defendant does not oppose the government's
21 request to file Exhibits 17 and 18 to the Government's Opposition to
22 Defendant's Motion to Compel Discovery under seal.

23 8. Should the Court deny this application, the USAO requests
24 that the above-referenced documents not be filed, but be returned to
25 the USAO, and the USAO be provided additional time to prepare
26 redacted copies of the exhibits.

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1 I declare under penalty of perjury under the laws of the United
2 States of America that the foregoing is true and correct and that
3 this declaration is executed at Los Angeles, California, on August
4 12, 2019.

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6 JULIAN L. ANDRÉ